

Sep 05, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ZACHERY D.,

Plaintiff,

v.

ACTING COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

NO. 4:18-CV-05165-SAB

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 18.

The parties stipulate that the above-captioned case be reversed and remanded for further administrative proceedings, including a *de novo* hearing pursuant to 42 U.S.C. § 405(g). The parties further agree that reasonable attorney fees should be awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, ECF No. 18, is **GRANTED**.

2. The decision denying benefits is **REVERSED** and **REMANDED** for further administrative proceedings. On remand, the Administrative Law Judge ("ALJ") shall further develop the record, update the medical records, and issue a new decision. The ALJ shall also:

- 1 • Reevaluate the opinion evidence of record;
2 • Reevaluate Plaintiff's symptom testimony;
3 • Reevaluate third party law witness statements;
4 • Reassess Plaintiff's maximum residual functional capacity; and
5 • Obtain supplemental vocational expert evidence.

6 3. This remand is made pursuant to 42 U.S.C. § 405(g).

7 4. Plaintiff's Motion for Summary Judgment, ECF No. 15, is **DISMISSED**

8 **as moot.**

9 5. Upon proper presentation, this Court shall consider Plaintiff's application
10 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

11 6. The District Court Executive is directed to enter judgment in favor of
12 Plaintiff and against Defendant.

13 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
14 file this Order, provide copies to counsel, enter judgment, and close this file.

15 **DATED** this 5th day of September 2019.



19 Stanley A. Bastian

21 Stanley A. Bastian
22 United States District Judge